

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BENAJMIN GEORGE,
Plaintiff,

v.

THE CITY OF CHICAGO, James Gardiner,
Charles Sikanich, Chicago Police Officers
Solomon Ing (#4117), Peter Palka (#9413),
Daniel Smith (#20066), Joseph Ferrara
(#233), Sergio Corona (#3331), Ortiz (Star #
unknown), and Unknown Chicago Police
Officers

Defendants.

Case No: 20-cv-6911

Hon. Judge Blakey

Hon. Mag. Judge Jantz

JURY TRIAL DEMANDED

PLAINTIFF'S UNOPPOSED MOTION TO EXTEND DISCOVERY

Plaintiff Benjamin George, by and through his undersigned counsel, respectfully moves this Court to enter an Order extending fact discovery until March 19, 2023, and in support of this Motion states as follows:

1. After denying Defendants' Motions to Dismiss, on May 3, 2022 the Court entered an Order setting the close of fact discovery on December 19, 2022 and instructing the parties to update regarding progress as to meeting this deadline and as to the need for expert discovery and dispositive motions by December 1, 2022. Dkt. 69.

2. At present, fact discovery is underway, and while the parties have made progress, additional time is needed.

3. The parties have exchanged written discovery. Production of records has been ongoing, with both Plaintiff and Defendant City offering supplemental productions into the fall. The parties have thus far worked with success to resolve disputed issues without Court involvement via LR37.2 conferral, but additional disputes exist for which conferral is required in

order to allow the development of a complete factual record. Multiple subpoenas are outstanding but awaiting compliance from their recipients, including one issued as far back as September 2, 2022.

4. On October 21, 2022, Defendant City noticed a deposition for Plaintiff to be taken November 9, 2022 in Chicago, and Plaintiff subsequently moved the Court for a remote deposition per Fed. R. Civ. P. 30(b)(4) or appropriate protective order per Fed. R. Civ. P. 26(c). Dkt 85. The parties resolved their dispute on this question on November 15, 2022, mooted the motion, but the process has meant a delay in noticing and taking this and other depositions.

5. Plaintiff's Deposition is scheduled for December 12, 2022.

6. Depositions are also scheduled for several non-party witnesses, with proceedings set to take place on the following dates: December 7, December 9, December 15, and December 16, 2022. The parties anticipate scheduling at least one additional deposition for December.

7. At present, there are party and non-party depositions to schedule and take, subpoenas whose compliance is outstanding, and additional conferral needed on disputes as to written discovery, all of which would be extremely difficult, if not impossible, to fit within the next month, particularly given the Thanksgiving holiday and the schedules of counsel for Plaintiff as well as Defendants, subsets of whom who are represented by four different sets of attorneys.

8. Plaintiff's legal team has also changed in constitution during the course of fact discovery; three attorneys at First Defense Legal Aid moved to different roles or changed jobs in August and September of 2022, with new personnel starting to replace them in these months. This has required time for Plaintiff's new counsel to acclimate themselves with both this action and the remainder of their caseloads. Plaintiff's counsel Elizabeth Homsy is also due to give birth on

December 13, 2022, and the request for an extension also reflects and is made in regard to this happy event.

9. This Motion is brought in good faith, is not intended to cause undue delay, and no prejudice will result to the parties by its being granted.

10. Plaintiff's counsel discussed the sought extension with Defendants' counsel on November 2, 2022 and November 15, 2022, and Defendants' counsel indicated that Defendants' do not oppose this motion.

WHEREFORE, Plaintiff Benjamin George respectfully requests that this Court enter an Order granting the instant Motion and resetting the close of fact discovery by three months, to March 19, 2023.

Respectfully submitted,

/s/ Daniel E. Massoglia

One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

I, Daniel Massoglia, an attorney, hereby certify that a copy of the above document was filed on November 18, 2022 using the CM/ECF system, which generates electronic notice to all counsel of record on this case.

Respectfully Submitted,

Daniel E. Massoglia

One of Plaintiff's Attorneys